

ATTACHMENT 26

Ingham County Circuit Court

30th Judicial Circuit

P.O. BOX 40771
313 W. KALAMAZOO STREET
LANSING, MICHIGAN 48901-7971
TELEPHONE: (517) 483-6500
FAX: (517) 483-6501



WILLIAM E. COLLETTE
Chief Circuit Judge

DAVID L. EASTERDAY
Circuit Court Administrator

RHONDA K. SWAYZE
Deputy Court Administrator /
General Trial Division

DONALD L. REISIG
Deputy Court Administrator /
Family Division / Friend of the Court

MEMORANDUM

Date: January 6, 2006

To: Judge Giddings

From:  Judge Collette

Re: Court Hours of Operation

I have just been given a copy of the memo that you sent concerning court hours of operation. In your memo, you raise a number of points that you and I have discussed in two telephone discussions that total well over an hour. In addition, you and I have had a face-to-face meeting that lasted at least two hours where I told you my views on the points you raise in your memo. I am unclear exactly what else I could say to you about these concerns other than to reiterate what I have told you in the past. However, to summarize a few key things, I would indicate as follows:

1. I did not draw up this union agreement. However, we, as a court, did agree to its terms. The laws of Michigan and the labor agreements we entered into apply with equal force to your courtroom as well as mine.
2. Employees of this court are entitled to be treated fairly and honestly and not be subject to threats and intimidation from superiors--this would include judges.
3. I am responsible, as chief judge, to see that judges are treated equally. However, that duty of fairness extends to the employees of this court as well. I intend to continue my policies of treating our staff well.

Memo to Judge Giddings
January 6, 2006
Page 2

On a different note, the issue you raise in your memo seems to imply that I and the other judges should resolve this issue in some fashion. I would respectfully point out that we have no power to override the wage and hour and other labor laws that have been passed by our legislature, as well as the agreed to labor agreements we entered into with our employees. If, of course, my view on the law is wrong, I would be happy to see some citation on that.

Lastly, I note that you have chosen to share your memo to me with all of the other judges. I am sending this response only to you. But, once again, let me say as I have said several times before, I am not interested in discussing this employee issue with you any further.

ATTACHMENT 27

M E M O

To: Chief Judge William Collette

From: Jean Ann Hamlin

Date: 12/5/05

Subject: Response to 12/1/05 Memorandum to Judge Nettles-Nickerson

Judge Collete,

Last summer the trial schedule was changed and we now schedule trials from 9:00a to 2:00p. Because of many different circumstances, frequently the trial does not end at 2:00. I do however, get a 15 minute break in the morning and the afternoon. Because of the way the trial schedule is set, we do not break for lunch.

About a month ago I spoke with Judge Nettles-Nickerson to go over our new trial schedule and the need for breaks.. As stated earlier, she has given me the morning and afternoon 15 minute breaks regularly . Again we discussed the breaks after she received your memorandum.

I indicated to Judge Nettles-Nickerson that the beginning of last week I had contacted other reporters in the county to see if they could sub for me for an hour because my son was ill, and if he hadn't gotten better soon, I wanted to be able to have enough time to go home and access the need for a doctor's appointment. My message to the reporters was to sub for me an hour some time early afternoon so as not to interfere with their lunch hour, but so that I could go home and Judge Nettles-Nickerson could continue her trial..

If you have any further questions, please feel free to contact me.

CC: Judge Nettles-Nickerson

ATTACHMENT 28

MEMORANDUM

To: Judge Collette

Date: 12/7/05

cc: Harold Hailey, David Easterday, Harold Hailey, Judge Nettles-Nickerson

Judge Collette,

Judge Nettles-Nickerson has asked me to respond in more detail to my first memorandum to you. I will also take this opportunity to respond in detail to her response to you.

I have always been allowed to use my comp time and vacation time for personal matters, whether they be for pleasure or other personal business, and my sick time for doctor's appointments and illnesses. I have accumulated time and I believe I have the right to take it.. My practice, as well as all other reporters, is to get a substitute to cover my courtroom whenever I will not be there, no matter what the reasons are.

As far as any medical condition, I do not have carpal tunnel or any diagnosis similar to it. When working for Judge Glazer, I never sought medical attention nor did I complain to him about any hand condition.. There was never a problem when I worked for him. He will verify this. There currently isn't a problem that is severe. I have problems with my left thumb that waxes and wanes. I would be happy to discuss this with you if you'd like to know more details, but I do not think it appropriate to violate my confidentiality in responding to the memorandum regarding scheduled breaks.

As you know, the position of court reporter can be difficult on one's hands and shoulders and back. That is the reason I requested the foot rest. I first saw a hand specialist on March 29, 2005. I again saw him today and requested the necessary paperwork for the foot rest.

Regarding the day that my son was ill and I requested help from other reporters, that was Monday, not Tuesday. As a courtesy, as to not interrupt the schedule of the proceedings, I called around. I feel it is a responsibility of mine to be prepared and call ahead for help. We finished our final matter in court that day at 4:10 p.m..

Once again, as indicated in my previous memorandum, about a month ago I talked with Judge Nettles-Nickerson regarding the trial schedule. I asked that if we were going to take long days, that I would need a midday break, at least a ½ hour. She has never denied the morning and afternoon breaks and after the 15 minute break I am ready to go into the courtroom again..

It is true that Judge Nettles-Nickerson discussed with me the new trial schedule. At that time I indicated it would be fine if we finished at 2:00 p.m., and that I could take my break then. Many

times the trial does not conclude at 2:00 p.m. Some times we go as late as 3:00 and some times when we end at 2:00 or 2:30 other things have been scheduled and we continue with the next matter. Judge Nettles-Nickerson has never denied me an hour break, but at 3:00 p.m. I feel it's too late to take a lunch break and then come back to work for one hour. When the occasion arises that my workload is such that I can leave at 4:00 p.m., I do. This gives me eight hours of work because my day starts at 8:00 a.m., when I am working on transcripts or looking matters up that were held on the record for requests from Judge Nickerson or the law clerk to review sentencing information and the secretary to clarify something; all part of my job responsibilities. My position has other responsibilities besides taking the record down that I work on while waiting to go into the courtroom.

It is true in the past when our schedule was different I would walk with another court reporter. We did that over the lunch hour.

As far as the second email that was sent from you to Judge Nettles-Nickerson and her response, I do not plan on resigning. I do, however, want the ICEA union procedures to be followed and that I be allowed an hour break between 11:30 and 1:30.

Once again, if you have any questions or would like to meet with me further, I would be happy to do so.

Finally, as you know, reporters mark times when proceedings start, breaks are taken, the end of the proceeding, amongst other things. Transcripts reflect this time as well.

Jean Ann Hamlin

ATTACHMENT 29



AFFIDAVIT OF TRACI M. KORNAK

Traci M. Kornak, being first duly sworn, deposes and states the following based on personal knowledge and belief:

1. I have been a licensed attorney in good standing in the State of Michigan for over 15 years.
2. On January 21, 2004 I met with the Deputy Court Administrator for 30th Judicial Circuit Court Sally Holweda to ascertain if there were internal rules or administrative orders that permitted the filing irregularities and "local practices". In the course of our discussion I made Ms. Holweda aware of the consequences I experienced as a result of the filing irregularities and "local practices".
3. On January 22, 2004 Ms. Holweda advised me that she met with her boss, Court Administrator David Easterday and was requested to write up a summary for a meeting with Circuit Court Chief Judge William Collette the next morning.
4. I expressed my reservations and concerns with involving the Circuit Court Chief Judge in matters that could be addressed by the clerk's office following the court rules, procedure and any administrative orders available to the public. Ms. Holweda explained that the issues were intertwined and that David Easterday had already discussed the matter with Chief Judge William Collette.
5. Following the meeting with Chief Judge William Collette and David Easterday Ms. Holweda informed me that the Chief Judge was concerned with the information reported but that it was out of his jurisdiction to "censure a judge" and that I needed to file with the Judicial Tenure Commission regarding Judge Beverley Nettles-Nickerson.

6. I later received a letter dated January 26, 2004 from Chief Judge Collette confirming what I was told that a "chief judge does not have jurisdiction of this type of situation" and advising "If you feel there has been misconduct on the part of a judge of this Court then, of course, you have every right to proceed to file an appropriate complaint with the Judicial Tenure Commission."
7. I was surprised that my concerns with regard to filing irregularities and local practices were never addressed and instead evolved into a meeting with the Chief Judge and concerns relating to attorney or judicial misconduct.
8. On February 8, 2004 I filed a Request for Investigation with the Michigan Judicial Tenure Commission regarding Judge Beverley Nettles-Nickerson.
9. On February 10, 2004 I received a letter from Paul Fischer, Executive Director stating:
 - The Commission must determine if this matter falls within its jurisdiction and whether the facts you have provided indicate a violation of any of the rules which the Commission enforces.
 - If further action is indicated, the Commission may authorize a full investigation. Upon completion of such an investigation the matter will be referred to the Commission for its further consideration. If the Commission needs additional facts or information from you, a member of the staff will be in touch with you. If on the other hand, the Commission determines that the complaints contained in your Request for Investigation do not warrant further action, you will be notified of that decision as well.
 - Please be assured that we are action as expeditiously as we can to give this matter careful attention.
 - You will receive written notice of the Commission's decision promptly after it is made.

10. Other than the letter described above I received no communication of any kind whatsoever from the Judicial Tenure Commission regarding Judge Beverly Nettles-Nickerson or the Request for Investigation.
11. Recognizing the "secrecy" of the Judicial Tenure Commission, its utter and complete failure to communicate anything with me and the practical implications of having to continue to appear before a judge that knew I had filed with the Judicial Tenure Commission, I decided that I had nothing more to lose by communicating directly with Judge Nettles-Nickerson about my concerns relating to a matter previously before here.
12. I believe that the concerns I had were resolved because Judge Nettles-Nickerson was professional, open and honest in our discussions, recognized my concerns and that we both left the meeting having learned a great deal by listening to each other. I have not had the privilege to appear before Judge Nettles-Nickerson since that meeting.
13. I was informed by Judge Beverly Nettles-Nickerson today that the Judicial Tenure Commission dismissed my Request for Investigation on September 14, 2004 without any conditions or recommendations.
14. I was shocked to learn this as there was absolutely no follow up investigation, clarification or communication with me from the Judicial Tenure Commission and I would have expected to be notified of this from them not the Respondent judge.

The testimony contained in this affidavit is based on personal knowledge, and if called as a witness, I will competently testify to the foregoing.

FURTHER AFFLANT SAYETH NOT.



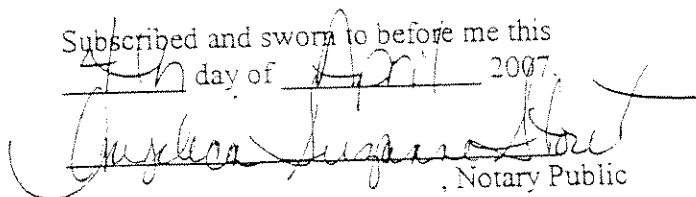
Traci M. Kornak

STATE OF MICHIGAN)

)ss

COUNTY OF KENT)

Subscribed and sworn to before me this
4th day of April 2007.



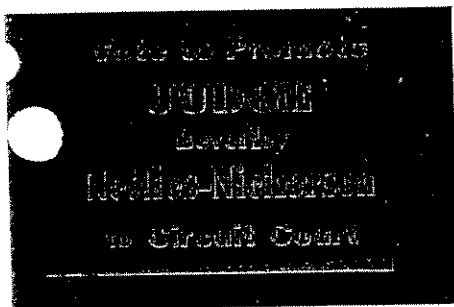
, Notary Public

Acting in Kent County, MI

My Commission Expires: 9-18-11

ANGELICA SUZANNE STOUT
NOTARY PUBLIC, STATE OF MI
COUNTY OF KENT
MY COMMISSION EXPIRES SEP 18, 2011
ACTING IN COUNTY OF Kent

ATTACHMENT 30




EXPERIENCED • RESPECTED • ACCESSIBLE

We and other members of the legal community see these as just a few of the many qualities held by Judge Beverley Nettles-Nickerson.

She also holds the dedication and the commitment to fairly serve the citizens of Ingham County. We enthusiastically support her effort to become the next Ingham County Circuit Court Judge.

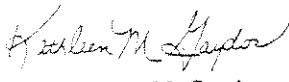
A county-wide campaign is expensive, and we need your help and financial support. Please join us for a fund-raising reception.

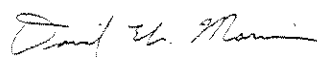
Wed., May 15, 2002, 5 p.m. - 7 p.m.
Signature Steak House
5900 Park Lake Rd., E. Lansing.
Suggested donation is \$100.


Shirlee M. Bobryk


Mark H. Canady


Michael J. Hodge


Kathleen M. Gaydos


David E.S. Marvin

Under the Judicial Code of Ethics, a judicial candidate committee may not solicit more than \$100 from any lawyer. Voluntary contributions, including any unsolicited contributions from lawyers, may not exceed \$3400 per person. Corporate checks are not allowed.
Paid for by the
Committee to Promote Judge Beverly Nettles-Nickerson to Circuit Court
Lucile Belen, Treasurer
P.O. Box 16009
Lansing, MI 48901-0009

Community Campaign Chairs
Charles Creamer, Lansing
Dr. Lynese Lawson, East Lansing
Rick & Billie O'Berry, Mason
June Pallottini, Leslie
Cheryl Scripter, Dansville
Bobbie Marshall, Stockbridge
Mark Adams, Williamston
Julie Brixie, Meridian Township
Stuart Goodrich, Delhi Township
Evan Hope, Delhi Township
Rick & Charlene Nobach, Onondaga

City of Lansing
Mayor David Hollister
Robert Johnson
David Wiener

Councilmembers
Sandy Allen
Joan Bauer
Tony Benavides
Harold Leeman, Jr.
Larry Meyer
Geneva Smith
Carol Wood

Police Chief Mark Alley
Fire Chief Greg Martin

East Lansing
Mayor Mark Meadows

Councilmembers
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Victor Loomis
Bill Sharp
Sam Singh

Judges
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Hon. Marilyn Atkins
Hon. Patrick Cherry
Hon. Terry Clark
Hon. Terrance Clem
Hon. Charles Filice
Hon. Lawrence Glazer
Hon. Harold Hood
Hon. Benjamin Logan, II
Hon. Jeffrey Martlew
Hon. Mabel Mayfield
Hon. Wade Harper
McCree
Hon. Donna Morris
Hon. Calvin Osterhaven
Hon. Nathaniel Perry
Hon. Ramona Roberts
Hon. Michael Skinner
Hon. Cynthia Stephens
Hon. William Whitbeck
Hon. James Wood
Magistrate Krista Krause

Ingham County
Prosecutor Stuart
Dunnings III
Sheriff Gene
Wriggelsworth
Deputy Commissioner Pat
Lindemann
Register Paula Johnson
Treasurer Eric
Schertzing
Clerk Mike Bryanton

Commissioners
Victor Calentino
Lisa Dedden
Debbie De Leon
Mark Grebner
Curtis Hertel, Jr.
Amy Krause
Calvin Lynch
Mary Slid
Chris Swope

Andrew Abood
F. Joseph Abood
Fredric S. Abood
James C. Abood
Teresa
Abood-Hoffman
Ellen Abood-McCabe
Patricia Abood
Louis Adado
Gary M. Adamo
Mark Adams
Martha Adams
Dr. Margaret Aguwa
Dr. Iftikar Ahmad
Samuel Aibout
Peter R. Albertins
David H. Aldrich
Donald Allen
Calvin Anderson
Sheilley Anderson
Susan Anderson
Grace Andrews
Vern Andrews
Dr. Melody Angel
Deb Asher
Dick Baker
Fred Baker
David Balas
Ron "Chad" Baldwin
Jonn D. Bankham
E. Sharon Banks
Charles E. Barbieri
Lone Barbieri
Thomas Barger
Betty Baryames
Chris Baryames
Adrian Bass
Beverly Baten
Joan Bauer
Kenneth W. Beall
J.R. Beauboeuf
Regine Beauboeuf
Mary Bechtol
Gladys Beckwith
Michael R. Behan
Raymond R. Behan
Randall M. Benrmann
Tony Benavides
Thomas A. Bengtson
Melanie Bergeron
Chns A. Bergstrom
Virgil Bernero
Diane L. Bernick
Emma Berry
Teresa A. Bingman
Ann Bitzer
Randie K. Black
Frederick J.
Blackmond
Charles Blockett
Lexcie Blockett
Janis L. Blough
Terry Blundell
Martha Bobiolo
Jerry Boies
Sharon Bommarito
Angela Bonham
Vence Bonham
Jevelyn Bonner
Carol Bucher
Jill E. Boone
Shawn J. Bouterse
Liz Boyd
Pearl Boyd
Tom Boyd
Jeffrey Bracken
Lingg Brewer
Elizabeth Bright
Christine Brogan
Georgia Brown
Harold Brown
Marlee Brown
Michael J. Brown
Vai Brown
Walter Brown
Marian Bryant
Dr. William Bryant
Dr. Howard Burgess
Wm Gurt Burleson
Robert P. Busby
James Butler
Rishan Butler
Gregory Byrd
Danielle M. Cabue
Eugene Cain
Charles Caiati, Jr.

Wilson Caldwell
Ron & Carolyn Cullen
George P. Campbell
Clinton Canady
Hortence Canady
Mark Canady
Pete Canady
Renee Canady
Rita Canady
Clinton Canady, Jr.
Doris Carlica
Jerry Carter
Lula Carter
Richard A. Cascanila
Raion A. Casier
John Castillo
Cheryl Celestine
Don Chaney
Jeff Chip
Beverly Chisholm
Bernie Christian
Sandy Christian
Alma Clark
April Clark
Dave Clark
Suzanne Clark
Alan J. Claypool
Rev. Columbus
Clayton
Robin Cleveland
David C. Coey
Craig Collins
Kevin Collins
Shawn Collins
Dr. Lee H. Colony
Kelly Conaty
Carol Conn
Lawton Connelly
Linda Cooper
Susan Corbin
Marilyn Coulter
Durvin Coward
Maxine Coward
Gerald C. Crane,
DDS
Michael L. Crawford
Bob Creagh
Andie Creamer
Charles Creamer
Michael J. Cronknight
Dorothy Croskey
Darius Cunningham
Janice K.
Cunningham
Paula Cunningham
Sharon Current
Beverly J. Curry
Carolyn Davis
Jack Davis
Dr. Marylee Davis
Frankie Davis
Marya Nelson Davis
Robert W. Davis
Barb Dean
Dorothy J. Dean
Marti Dee
John H. Deming
Barry DeVine
Rep. Paul DeWeese
Ron Dingey
Louis Dixon
Pamela Dixon
Deborah Dolman
Daniel P. Doneth
T. Michael Doyle
Patricia
Driscoll-White
Peter Dunlap
Stuart Dunnings, Jr.
Philip J. Dwyer
Michele Eaddy
Heleen Jones Earley
Jean Early
Gregory Eaton
Patricia Edwards
Dr. William Ehrlich
Butch Ellis
Sharon Ellis
Brian English
Deborah Epokito
James Epokito
Albert Ernest
Daniel E. Essa
Julie Lawton Essa
Victoria Easterday
Flo Estes

ATTACHMENT 31

T. L. Jones

STATE OF MICHIGAN
IN THE 30th CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN
Plaintiff,

File No. 05-1054-FH

v.

Hon. Beverley Nettles-Nickerson
Circuit Court Judge

James Edward Jones
Defendant.

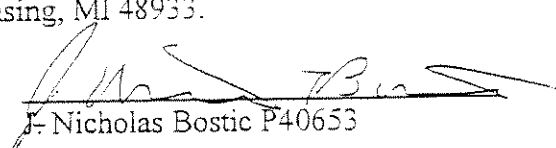
Stuart J. Dunning, III P31089
Ingham County Prosecutor
by: J. Nicholas Bostic P40653
Assistant Prosecutor
303 W. Kalamazoo St.
Lansing, MI 48933
(517) 483-6108
Attorney for Plaintiff

John Abbott P56159
Attorney for Defendant
15851 S. Business 27, Suite 12
Lansing, MI 48906
(517) 485-6364

NOTICE OF JURY TRIAL

PLEASE TAKE NOTICE that the above matter has been set for jury trial on Thursday,
December 15, 2005, at 8:30 a.m. before Hon. Beverley Nettles-Nickerson at the Veteran's
Memorial Courthouse, 313 W. Kalamazoo St., Lansing, MI 48933.

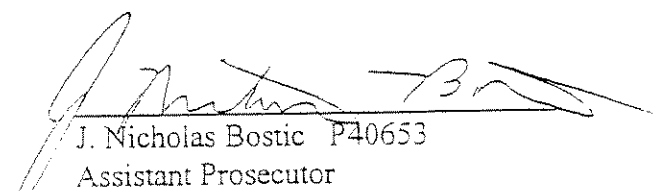
11/23/05


J. Nicholas Bostic P40653
Assistant Prosecutor

CERTIFICATE OF SERVICE

J. Nicholas Bostic certifies and says that on the 23rd day of November, 2005, he served a
copy of Notice of Jury Trial on John E. Abbott, Attorney for Defendant at the address above by
placing the same in a sealed envelope with postage fully prepaid and depositing it in a United
States mail receptacle at Lansing, Michigan. I declare that the above statement is true to the best
of my information, knowledge and belief.

11/23/05


J. Nicholas Bostic P40653
Assistant Prosecutor

ATTACHMENT 32

STATE OF MICHIGAN
IN THE 30th CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN
Plaintiff,

File No. 05-1054-FH

v.

Hon. Beverley Nettles-Nickerson
Circuit Court Judge

James Edward Jones
Defendant.

Stuart J. Dunning, III P31089
Ingham County Prosecutor
by: J. Nicholas Bostic P40653
Assistant Prosecutor
303 W. Kalamazoo St.
Lansing, MI 48933
(517) 483-6108
Attorney for Plaintiff

John Abbott P56159
Attorney for Defendant
15851 S. Business 27, Suite 12
Lansing, MI 48906
(517) 485-6364

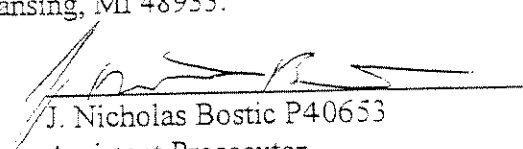
NOTICE OF JURY TRIAL

PLEASE TAKE NOTICE that the above matter has been set for jury trial on Monday,

January 30, 2006, at 8:30 a.m. before Hon. Beverley Nettles-Nickerson at the Veteran's

Memorial Courthouse, 313 W. Kalamazoo St., Lansing, MI 48933.


1/20/06


J. Nicholas Bostic P40653
Assistant Prosecutor

CERTIFICATE OF SERVICE

J. Nicholas Bostic certifies and says that on the 20th day of January, 2006, he served a copy of Notice of Jury Trial on John E. Abbott, Attorney for Defendant at the address above by placing the same in a sealed envelope with postage fully prepaid and depositing it in a United States mail receptacle at Lansing, Michigan. I declare that the above statement is true to the best of my information, knowledge and belief.

1/20/06


J. Nicholas Bostic P40653
Assistant Prosecutor

ATTACHMENT 33

T. J. Jones 12/17

STATE OF MICHIGAN
IN THE 30th CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN
Plaintiff.

File No. 05-1055-FH

v.

Hon. Beverley Nettles-Nickerson
Circuit Court Judge

James Edward Jones
Defendant.

Stuart J. Dunning, III P31089
Ingham County Prosecutor
by: J. Nicholas Bostic P40653
Assistant Prosecutor
303 W. Kalamazoo St.
Lansing, MI 48933
(517) 483-6108
Attorney for Plaintiff


John Abbott P56159
Attorney for Defendant
15851 S. Business 27, Suite 12
Lansing, MI 48906
(517) 485-6364

NOTICE OF JURY TRIAL

PLEASE TAKE NOTICE that the above matter has been set for jury trial on Monday,

June 19, 2006 at 8:30 a.m. before Hon. Beverley Nettles-Nickerson at the Veteran's Memorial
Courthouse, 313 W. Kalamazoo St., Lansing, MI 48933.

5/2/06


J. Nicholas Bostic P40653
Assistant Prosecutor

CERTIFICATE OF SERVICE

J. Nicholas Bostic certifies and says that on the 2nd day of May, 2006, he served a copy of Notice of Jury Trial on John E. Abbott, Attorney for Defendant at the address above by placing the same in a sealed envelope with postage fully prepaid and depositing it in a United States mail receptacle at Lansing, Michigan. I declare that the above statement is true to the best of my information, knowledge and belief.

5/2/06


J. Nicholas Bostic P40653
Assistant Prosecutor

ATTACHMENT 34

From: Gloria McGruder
To: Nettles-Nickerson, Hon. Beverley
Date: 12/4/2006 3:33:27 PM
Subject: information you requested, per jury trials not ordered

Judge, per your request, I am confirming to you that per my records, there were no jurors requested by your office, nor were there jurors called in for your Courtroom on Monday, January 30, 2006 or Tuesday, January 31, 2006.

Also; per your request, via courier mail, I put a copy of the basic items covered in the orientation of the jurors that I perform. I do speak in length on all subjects.

CC: Swayze, Rhonda

ATTACHMENT 35

AD CRIMINAL
 LITTLE NICKERSON, B

06 28 2006

Bond Type: CASH/SURETY
 Bond Amount: \$5,000.00
 Bond Posted: NP
 Bond Revoked: No
 Bond Forfeited: No

-04-001591-01

SID # 618759X

CMPLNT # 040011009733
 DIST CT # 04-001961-FY-D54A

-PH-C30

JONES JR, JAMES EDWARD
~~3811 BOOLEY~~
 728 Cleveland
 LANSING

DOB: 12/18/1957
 ATTY: ABBOTT, JOHN E
 56159

JAMES EDWARD

MI

489/16

485-9537

Event Note:

1 - FAILURE TO RETURN RENTED PROPERTY - \$200.00 OR MORE BUT LESS THAN \$1,000.00
 750.362A4A - M

2 - CHECK - NO ACCOUNT
 750.131A1 - F

N WAIVER OF ARRAIGNMENT

Following event: ARRAIGNMENT scheduled for 09/28/2005 at 9:00 am has been resulted as
 S:

: WRITTEN WAIVER FILED

GUILTY to CT 1
 175 CT 2 w file # 05-1055-FH
 w pay full restitution in both files
 tencing 8/2/06

ATTACHMENT 36

MICHIGAN DEPARTMENT OF CORRECTIONS

“Expecting Excellence Every Day”

MEMORANDUM

Date: January 21, 2005

To: Honorable Nettles-Nickerson

From: Kit San Grotelueschen, Probation Supervisor

In 2/04, with the consent of my Area Manager, Charles Sinclair, I contacted Court Administrator, David Easterday, inquiring if Ingham County had a policy regarding county employees living with convicted felons since Department of Corrections has such an existing policy. ~~Mr. Easterday~~ and I decided to have Jason Gordon and myself conduct a home call, to see if in fact that was the case. On 2/13/04 Jason Gordon and myself conducted the home call at Gwen Dupard's place of residence. Jason Gordon verified with Gwen Dupard that probationer Deshawn Anderson was living with her. That same day, I talked to David Easterday and advised him of the home call verification. Mr. Easterday stated that he would look into the matter further.

In 2/04 Chief Judge William Collette called me to acknowledge that he was aware of the relationship between former court employee-Gwen Dupard and probationer Deshawn Anderson and that the matter was under review. He instructed me and Jason Gordon that we were not to discuss the pending matter with Judge Nettles-Nickerson.

Kit San Grotelueschen
Kit San Grotelueschen, Supervisor

1/21/05
Date

ATTACHMENT 37

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

PEOPLE OF THE STATE OF MICHIGAN, :
Plaintiff, :
-vs- : File No.
 : 01-77466-FH
DESHAWN WILKES ANDERSON, :
Defendant. :

PROBATION VIOLATION HEARING

BEFORE THE HONORABLE BEVERLEY NETTLES-NICKERSON

Lansing, Michigan - October 15, 2003

APPEARANCES:
For the People: Ingham County Prosecuting Attorney
BY: Jeffrey Cruz
303 West Kalamazoo
Lansing, MI 48933

Also Present: Jason Gordon, Probation Agent

Reported by: Genevieve A. Hamlin, CSR-3218

1

2

I N D E X

3

WITNESS:

PAGE

4

-None-

5

6

*

*

*

7

EXHIBITS:

8

-None-

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Lansing, Michigan

October 15, 2003

10:46 a.m.

R E C O R D

MR. CRUZ: People versus DeShawn Anderson.

THE COURT: Mr. Anderson, state your name
and address for me.

THE DEFENDANT: DeShawn Anderson, 4547
Hughes Road, Apartment D.

THE COURT: Telephone number.

THE DEFENDANT: 887-9908.

THE COURT: You are accused of violating
your probation. Have you received a written copy of
those charges?

THE DEFENDANT: Yes.

THE COURT: Will the probation officer
please review those charges.

MR. GORDON: Thank you, Your Honor. Count
one, violation of condition one in that the Defendant
tested positive for the controlled substance marijuana
on 8/15/03, 8/18/03, 8/20/03, 8/22/03, 8/25/03, and
8/27/03. Count two, violation of condition 12 in that
the Defendant failed to submit to urinalysis on
9/29/03, 9/3/03, 9/5/03, 9/8/03, and 9/10/03.

THE COURT: So he submitted dirty drops on

1 six days -- six times?

2 MR. GORDON: Correct.

3 THE COURT: And then he didn't submit any
4 drops five times?

5 MR. GORDON: Correct.

6 THE COURT: Do you understand the charges,
7 sir?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you understand if you're
10 found guilty of violating your probation you could be
11 sentenced to serve an increased penalty on the
12 underlying conviction less credit for time served?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand you have a
15 right to a contested hearing within 14 days, and that
16 includes the right to have the probation department
17 prove the charges by a preponderance of the evidence,
18 the right to have the witnesses against you appear at
19 a hearing, the right to question those witnesses, the
20 right to have the Court order any witnesses for your
21 defense. You have the right to have -- to testify at
22 trial if you want to and have the right to have me
23 order anyone to testify on your behalf. You also have
24 the right to a court-appointed lawyer. If you cannot
25 afford one, we can appoint one. Do you understand

1 these rights?

2 THE DEFENDANT: Yes.

3 THE COURT: Are you requesting an attorney?

4 THE DEFENDANT: No.

5 THE COURT: Are you requesting a hearing?

6 THE DEFENDANT: No.

7 THE COURT: Do you wish to plead guilty?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you understand that by
10 pleading guilty you give up all the rights I mentioned
11 except for the right to an attorney?

12 THE DEFENDANT: Yes.

13 THE COURT: Have there been any other
14 promises, threats, or coercion to get you to plead
15 guilty?

16 THE DEFENDANT: No.

17 THE COURT: Please raise your right hand and
18 get sworn in.

19 DESHAWN ANDERSON,

20 at 10:49 a.m., having been first duly sworn,
21 testified under oath as follows:

22 THE COURT: Sir, is it true that you tested
23 positive six times for marijuana?

24 THE DEFENDANT: Yes and no. The reason why
25 I say yes and no is because I tested positive first

1 time and the next day I had to go drop again so, yes,
2 I'm going to test positive through that whole week
3 because weed stays in your system for a certain amount
4 of time, so I tested positive for the first time but
5 for the other days/I'm going to test positive for
6 them.

7 THE COURT: There's two days in between each
8 one. There's three days. August 15 and the next one
9 was August 18.

10 THE DEFENDANT: Yeah. But marijuana stays
11 in your system up to 30 days. ?

12 THE COURT: Probation officer?

13 MR. GORDON: They say 14. I was testing him
14 at a high frequency, and it may have been from only
15 one or two uses.

16 THE COURT: But you caught it.

17 MR. GORDON: Exactly.

18 THE COURT: You caught it.

19 MR. GORDON: And then the month after he
20 stopped dropping.

21 THE COURT: Why did you stop dropping?

22 THE DEFENDANT: Because during that time I
23 had to pay for the drops. I informed my probation
24 officer that I didn't have the money to pay for them.
25 There was nothing I could do about that. I lost my

1 job. I just went through a divorce, lost my home and
2 everything. I'm not from Lansing.

3 THE COURT: What's your response? Just a
4 minute. Probation officer. *stop probation b/c D couldn't*

5 MR. GORDON: True. *pay.*

6 THE COURT: He called you and said he
7 couldn't afford?

8 MR. GORDON: Correct.

9 THE COURT: Do you understand that's still
10 one of the conditions?

11 THE DEFENDANT: Yes.

12 MR. GORDON: He does have a job now.

13 THE COURT: I find the plea to be knowingly,
14 understandingly, voluntarily, accurately made, free of
15 duress, supported by a preponderance of the evidence.
16 I accept the plea. Recommendation?

17 *yes* MR. GORDON: I've given him numerous chances
18 to get on track and get things straight. His drug
19 test from yesterday was negative. So what I'm
20 recommending is an extension of probation, that he
21 enroll in outpatient treatment, drop three times per
22 week for 60 days and randomly thereafter.

23 THE COURT: Extend probation for how long?

24 MR. GORDON: A year

25 THE COURT: A year. Any comments by you,

1 sir?

2 THE DEFENDANT: Yes. I've been on
3 probation -- well, probation for two years. I dropped
4 dirty two months ago and I was due to be off probation
5 next month. I have child support to pay as well, and
6 paying every week -- \$10 every other day can go to my
7 child support. And like I say, I'm homeless at this
8 point. Not necessarily homeless, but I'm not from
9 Lansing. I have no family here. I just recently got
10 a job. I'm trying to get back on my feet and it's
11 difficult for me.

12 THE COURT: Whose fault is that?

13 THE DEFENDANT: It's my fault. I'm not
14 blaming nobody but myself.

15 THE COURT: But you have to do what you have
16 to do, right? Had you not violated probation by
17 smoking marijuana, even if it's one time and it stayed
18 in your system all the other times, you violated. I
19 mean, you didn't have to. You were so close to
20 getting off. You made the mistake and now you have to
21 pay the price. So all of this that has happened is a
22 result of your fault from testing positive again.
23 Close to being terminated. To me it just -- I can't
24 understand why you would do that.

25 THE DEFENDANT: Just because of all the

1 difficulties that I was going through.

2 THE COURT: You say I'm going through a lot
3 of difficulties.

4 THE DEFENDANT: I went --

5 THE COURT: Just a minute. You have choices
6 you make in life. One choice you say, I'm going
7 through a lot of difficulties, a lot of pressures,
8 what can I do? I'm on probation. I'll be off in
9 three more months. Should I get high and violate my
10 probation or should I do what I have to do, fight that
11 urge, get off probation, and get my life in order?
12 You chose the wrong choice. That's the bottom line.
13 I'm going to follow the recommendation of the
14 probation department.

15 MR. GORDON: Thank you, Your Honor.

16 THE COURT: You're welcome. You do have a
17 right to appeal the conviction and sentence. If
18 you're indigent, you have the right to request a
19 court-appointed lawyer within 42 days, and we'll
20 revisit this. I suspect that if the recommendation is
21 to extend a year, if he can keep clean for six months,
22 nine months, you might recommend to this Court that
23 you terminate early at that time.

24 MR. GORDON: I will.

25 THE COURT: Good. So you have that to look

1 forward to, so when you're trying to decide during
2 these tough times which choice you're going to make,
3 remember that if you make the right choice, you could
4 get off of probation earlier. But that's your choice
5 and nobody else's. Good luck to you, sir. We're now
6 handing you your timely right to appeal.

(Whereupon hearing concluded at 10:54 a.m.)

8
9
10 I informed Δ he could get off
11 early, if choices he makes are positive.
12 J. Gordon was present and DID NOT
13 show Cause Defendant.
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ATTACHMENT 38



6810 S. Cedar • Suite 10 • Lansing, MI 48911 • (517) 699-2000 • Fax (517) 699-2019

To Whom It May Concern:

I am writing this letter in regards to Dashawn Anderson. I had hired him to work for me as a telemarketer making \$7.00 per hour, and working between 35-40 hours per week. Due to a personal situation that arose in his life, he wasn't able to work. I expect him back to work when his personal (legal) situation is concluded. I would also ask that this ordeal could be accelerated so that I could have him available sooner. If you have any questions please call me at (517) 699-2000.

Thank you,
Brandon Zdawczyzk

Manager of Training and Development
Erie Construction Mid-West

ATTACHMENT 39

From: Hon. Beverley Nettles-Nickerson
To: Collette, Hon. William; Easterday, David; Gromek, Carl; Hughes, James; Lawless, Hon. Janelle
Date: 1/27/2005 9:50:56 AM
Subject: Re: Monday, January 31, Meeting

Thank you for providing an opportunity to discuss the issues recently brought to my attention. It is my sincere belief that the meeting will greatly assist our continued collective efforts in ensuring that the best interests of the judicial system remain tantamount.

In light of the agenda item added by Chief Judge Collette, regarding my judicial "performance and attendance" and in an effort to foster an open, thorough and productive discussion, I respectfully request that the following information be provided at the meeting:

- 1) A written copy of the complaint for investigation to the Attorney General's office, including the identity of the parties initiating the complaint; requesting the investigation and the subsequent rendering of a dismissal finding no judicial impropriety.
- 2) The specific nature of any allegations surrounding the termination of Gwen Dupard solely as they purport to relate this Court's disposition and probation violations of People v Anderson;
- 3) The names of those members of the bar and case file number that formed the basis of alleged complaints to the Chief Judge regarding my judicial conduct and/or performance;
- 4) The SCAO end of the year report verification of judicial attendance and pending cases submitted by the Chief Judge (after his approval) and filed with SCAO during my tenure as a Circuit Court Judge (i.e. for the years 2003 and 2004).

Please feel free to contact me at 483-6526 if you have any questions regarding the above requests or via email. I am dedicated to remaining a positive asset to the Circuit Court; a role model for African Americans (particularly our youth) and a volunteer in our community. MY Judicial character and integrity are of the utmost importance. As the first and only serving African American Judge elected in Ingham county and well stated by the 2001, Lansing State Journal "Nettles-Nickerson hopes to lead way... winner believes others of color may be inspired." "The win ensures her place in history..." I remain humble, committed and determined that my judicial tenure and part of my children's history serves them proudly. I am confident that we all can bring this matter to closure. Thanking you in advance.

>>> "Carl Gromek" <GromekC@courts.mi.gov> 1/25/2005 4:20:40 PM >>>

Thank you for agreeing to the meeting requested by Judge Nettles-Nickerson. It will be held on the fifth floor of the Hall of Justice, Room 5S-45, on Monday, January 31, at 2:30 p.m. There are four agenda items. The first three were requested by Judge Nettles-Nickerson and the fourth was requested by Chief Judge Collette.

1. The nature and conclusion of the Attorney General's investigation.
2. The reason for Gwen Dupard's termination.
3. The names of those members of the bar who complained to Chief Judge Collette regarding the manner in which Judge Nettles-Nickerson conducts settlement activities.

CC: Goff, Frances

ATTACHMENT 40

Memo to Judge Beverly Nettles-Nickerson PERSONAL AND CONFIDENTIAL

RE: concerns with attendance and other issues

It has become increasingly apparent that your attendance at court has not been as good as could be expected. I had hoped that given sufficient time that you might better appreciate the need for a circuit judge to be in attendance on a regular basis. However, it has become a rare event when I see your vehicle in the parking area when I come down to the VMC for meetings or to work. On those occasions when I come to your end of the hall you are not there. In addition, I have been advised that you do not come in other than on Wednesday when there is not a specific trial that is going. I do not understand how you can get the volume of work done that is needed without being here. It is not my practice to comment on the work habits of other judges, but the simple fact is that numerous complaints from others on the bench as well as staff and various attorney comments to me leads me to write this memo.

I have also fielded a number of complaints from the bar in particular as to the manner in which you are conducting settlement proceedings and other activities designed to effectuate the settlement of cases. Some of the allegations may well cause the possibility of grievances being filed against you by members of the bar. Also, at least one prominent attorney is contemplating asking that you be disqualified from hearing any of his cases..

Pursuant to the chief judge rule I am required to insure that the work of the court is being done effectively.

This memo is intended as a wake up call that will cause you to reflect on the need to be here and give guidance to your staff and to do the job you were elected to by the public.

Therefore, I would hope that you would take it upon your self to begin coming to court and working a normal day. I would respectfully suggest as well that you review your procedures to avoid situations that might be problematic.

Mr. Hughes of the State Court Administrators office and myself are available to discuss this matter with you at your convenience if you wish.

sincerely,


W. E. Collette chief judge

ATTACHMENT 41

M E M O

To: Chief Judge William Collette

From: Beverley Nettles-Nickerson, Circuit Judge, General Trial Division

Re: Response to the memo and meeting with Jim Hughes and Chief Judge Collette at my initiation regarding discriminating practices and other issues

Date: March 18.2 004

I respect and accept the authority of the Chief Judge as well our State Court Administrator, Jim Hughes.

I was extremely disappointed at the treatment I received from both you and Jim Hughes. I feel disrespected and demeaned as a newly elected circuit court judge with fourteen years experience.

I have never had a grievance filed against me. In fact, many prosecutors and attorneys, who I can identify, have expressed to me and also my staff their satisfaction in our professionalism, and that I should sincerely think about future judicial opportunities.

There are several questions I asked and observations in our meeting that were either ignored or inaccurate answers were given:

- 1) The Chief Judge stated "he has a long-standing friendship" with two other judges, and, as such, I can only speculate that is the reason they did not receive similar treatment. This demonstrates, in my opinion, a pronounced bias and discrimination on the part of the Chief Judge with the support of Jim Hughes, State Court Administrator.
- 2) Why am I treated differently as an African American female judge (the first in this county) than some of my colleagues and those with long-standing friendships with the Chief Judge with respect to their attendance and settlement negotiation procedures?
- 3) The docket I inherited was extremely high in cases pending. Resulting of prior cases was not completed by the prior judicial staff, but that had no affect on the docket that I inherited. Those prior unresulted cases were not included on our docket.
- 4) We lowered both the civil and criminal docket within the first six months that I sat on this circuit bench to the appreciation, and noteworthiness, of many bar members.

5) I volunteered to represent the circuit judges at the sheriff's meeting when no other member volunteered.

6) I volunteered to do PPO hearings when others on our bench refused.

7) On the memo I received, there is no "cc" to Mr. Hughes, which gave the impression this was a personal and confidential matter between you, as the chief judge, and myself. Later in the meeting it was disclosed to me by the Chief Judge that, in fact, Jim Hughes had been copied without my knowledge or notice.

In 14 years as a judge I have never had a grievance. However, I suspect to buttress the concern made, an attorney or judge may be encouraged to file a vague, unsubstantiated, and baseless assertion to add validity to Chief Judge and Jim Hughes unsubstantiated concerns.

Last, and most important, why did the Chief Judge fail to discuss these issues with me verbally? He has access to my work and home numbers, as well as my court docket.

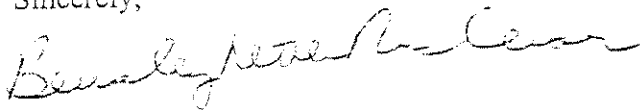
While your memo clearly states that it is intended as a wake-up call for one purpose, that being "that will cause you to reflect on the need to be here and give guidance to your staff and to do the job you were elected to by the public", the actual wake-up call was quite different. The wake-up caused me to note that I have one of the lowest dockets in the county, my staff is supervised and directed consistently by me even to the point of me calling in directions in the evening and leaving it on the voicemail. The wake-up is that there are those who would see to criticize, micro-manage, and attempt to break what isn't broken for some inarticulable reason lacking substance.

The wake-up is that hard work, innovation, team work, and professional respect and courtesy has no place at the 30th Circuit Court unless it is coupled with a long-standing friendship with the Chief Judge.

If I am not contacted by either of you by Friday, March 26, 2004, I will consider this matter permanently closed and each elected official will have the freedom to work longer than eight hours by working in the evening, weekends, or before the docket commences in the morning as well as throughout the work day.

I am sure Mr. Hughes will be available, along with myself, to discuss this at your convenience.

Sincerely,



Beverley Nettles-Nickerson

cc: Jim Hughes

ATTACHMENT 42



**Michigan Supreme Court
State Court Administrative Office**

P.O. Box 30048
Lansing, Michigan 48909
Phone: (517) 373-9353 Fax: (517) 373-8760
hughesj@courts.mi.gov
James P. Hughes, Regional Administrator

Personal and Confidential

March 24, 2004

Honorable Beverley Renee Nettles-Nickerson
30th Circuit Court
Veteran's Memorial Courthouse
313 W. Kalamazoo St.
PO Box 40771
Lansing, MI 48901-7971

Dear Judge Nettles-Nickerson,

My response to receiving a copy of your letter dated March 18, 2004 to Chief Judge William Collette is as follows:

1. State Court Administrative Office support for the Chief Judge is based upon MCR 8.110 which delineates the duties and powers of the Chief Judge. Judge Collette is properly exercising his role to "counsel and assist other judges in the performance of their responsibilities." Bias has no place in the court system; I do not support it. His confidential memorandum to you regarding concerns about your attendance and the manner of your conduct of settlement conferences was entirely within the scope of his responsibilities.
2. See #1
3. Judge Collette acknowledged in our meeting that you had reduced the cases pending in the docket you assumed from Judge Glazer in January, 2003. He acknowledged that fourth quarter statistics were not available, but that third quarter statistics showed you with the largest pending docket among general trial judges.
4. See #3
5. Your willingness to represent the judges at sheriff's meetings is acknowledged.
6. Your willingness to do PPO hearings is acknowledged.

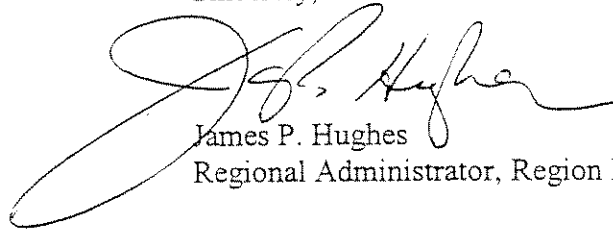
7. It is my belief that Judge Collette sent me a copy of the confidential memorandum so that I would be aware of its contents in the event that you requested a meeting with him and wanted me to be present.

During our meeting at the Region II office on March 15, Judge Collette reiterated his concerns about your regular attendance at court during the hours that it is open for business. He indicated no desire to micro manage your time and/or your docket. Your response clearly was to acknowledge no problem with either your attendance pattern or your methods of settling cases. In fact, at one point you stated that you have no intention of changing your behavior with respect to either your attendance or your case settlement methods.

The Chief Judge did not initiate this discussion frivolously; he received complaints that he believed to be credible and he brought them confidentially to your attention. Therefore, I recommend that you take these concerns seriously, examine your attendance and your case settlement methods. I encourage you to seek the counsel of your colleagues and move forward.

As always, I stand ready to assist if called upon.

Sincerely,



James P. Hughes
Regional Administrator, Region II

mdl

cc: Hon. William E. Collette, Chief Judge 30th Circuit Court

ATTACHMENT 43

Personal and Confidential

March 26, 2004

James P. Hughes
Regional Administrator
Michigan Supreme Court
P.O. Box 30048
Lansing, MI 48909

Dear Mr. Hughes:

Thank you for your response. As an African American female Judge I take my responsibilities seriously and with great pride. I will continue to maintain the high level of professionalism and competence that I have exhibited as a 14 year veteran on the bench.

The Ingham County community and the bar has sent me a strong indication of their faith and confidence to serve on the 54-A District Court and the 30th Circuit Court. I am truly proud and accept my duties without hesitation.

I consider this matter closed unless contacted verbally by you or Bill Collette to discuss, as professionals, any and all concerns. I likewise stand ready to assist if called upon.

Sincerely,

Honorable Beverley Nettles-Nickerson
30th Circuit Court

cc: Chief Judge Collette

ATTACHMENT 44

Notice: Acts 453 and 226, P.A. of 1976, as amended.
Completion: Required
Penalty: Allegations of unlawful discrimination cannot be investigated without a sworn complaint.

STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS

MCOR # 352492

FED #

COMPLAINT

CLAIMANT	The Hon. Beverly Nettles-Nickerson	RESPONDENT	The Hon. William Collette
ADDRESS	30th Circuit Court 313 West Kalamazoo Street Lansing, MI 48933	ADDRESS	30th Circuit Court 3rd Floor Courthouse Mason, MI 48854
TELEPHONE	517-483-6526	TELEPHONE	517-676-7223
Area of Discrimination:	Public Accom / Service	Date of Discrimination:	December 1, 2005

Statement of Alleged Discrimination:

I am Black and allege I was denied the ability to operate my court room, supervise court room staff, and conduct proceedings consistent with court rules and established procedures due to discriminatory interference by the Ingham County Circuit Court Chief Judge, on December 1, 2005 and continuing because of my race.

I am an elected Judge to the Ingham County Circuit Court, 30th Judicial Circuit Court in Michigan.

Other terms & conditions 12/01/2005 Race

I am the only Black judge and believe that I am subjected to a difference in treatment, and undue scrutiny and oversight by the Chief Judge of the Circuit Court. This discriminatory treatment interferes with my ability to execute my duties as a public servant. The Circuit's Chief Judge has not subjected the other judges under his direction to similar treatment.

This complaint is based on the following law:

Elliott-Larsen Civil Rights Act No 453, Public Act of 1976, as amended

I swear or affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief. I have notified the department of all other civil or criminal actions pending with regard to the allegations in this complaint.


SIGNATURE OF CHARGING PARTY / CLAIMANT

Subscribed and sworn to before me

This 18th day of January, 2006
at Lansing, Michigan

My Commission expires (dd/mm/yyyy) 24/01/2007


SIGNATURE OF NOTARY PUBLIC

Complaint Taken by: Julia Almendarez

Commissioned in Ingham County

MDCR CLAIMANT MEDIATION PARTICIPATION FORM

DATE: January 19, 2006

MDCR# 352493

CLAIMANT Beverly Nettles-Nickerson

RESPONDENT The Hon. William Collette

The Michigan Department of Civil Rights would like you to consider the option to participate in mediation in an attempt to resolve this complaint. Mediation is strictly voluntary. You may have an attorney or representative present at mediation. The mediation will begin with an opening statement by the mediator regarding his/her role as a neutral. The mediator does not give legal advice or function as an advocate for either party. Each party will be given an opportunity to talk openly about the dispute and the remedies sought.

Following the joint discussion, the mediator may caucus or meet privately with each side. The mediator may have several private meetings with each side. Following the individual meetings, the mediator may bring the parties together to discuss areas of agreement on any issue. If a settlement is reached, the mediator will ask the parties to draft the terms of agreement that are acceptable to all parties and that could be signed at the session. It is imperative that individuals coming to the mediation table have authority to enter into a settlement or access to such authority during the mediation. If mediation does not resolve the matter, MDCR will proceed with its investigation into the allegations.

I have received the MDCR invitation to participate in facilitative mediation of the MDCR case identified above. I am aware that mediation is strictly voluntary. After careful consideration:

☒ Yes, I am interested in participating in voluntary mediation in an attempt to resolve this matter.
I am aware that mediation will be scheduled within 45 days.

☐ No, I am not interested in participating in voluntary mediation at this time.

Upon completion you may hand deliver this form to any MDCR office or fax, mail, or email this form to:

Kerry Bernard
Mediation Coordinator
Michigan Department of Civil Rights
3054 West Grand Boulevard, Suite 3-600
Detroit, MI 48202
ph 313-456-3765
fax 313-456-3801
email: bernardk@michigan.gov

ATTACHMENT 45



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS
EXECUTIVE

LINDA V. PARKER
DIRECTOR

For Release 05/21/2007:

Contacts:

Trevor Coleman, Director of Communications
Lansing: 517-373-8787
Detroit: 313-456-3790

Harold Core, Public Information Officer
Lansing: 517-241-3986

Civil Rights Department Affirms Right To File Complaints Without Retaliation

Lansing, MI – The Michigan Department of Civil Rights (MDCR) released the following statement today in response to a report issued last Wednesday by the Judicial Tenure Commission (JTC) recommending the suspension of Lansing Judge Beverly Nettles-Nickerson.

“While neither the Commission nor Department has any current involvement or legal interest in the matter involving Judge Nettles-Nickerson, it is imperative to clarify that the legal right of Michigan residents and visitors to file complaints with the Michigan Department of Civil Rights is protected. Both the Elliott-Larsen and Persons With Disabilities Civil Rights Acts explicitly provide protection from acts of retaliation for civil rights activity, including filing a complaint with MDCR.

It is our sincere hope that the JTC did not intend to imply that Judge Nettles-Nickerson should be disciplined in any way for exercising her right to file a civil rights complaint if she believed that she was being subjected to illegal discrimination. A suspension for filing an allegation of illegal discrimination would violate state and federal civil rights laws designed to protect those who stand up against discrimination from any acts of retaliation. Such a message from a legal authority would have a chilling effect on the state’s ability to protect persons who legitimately believe they may be victims of illegal discrimination.

While we take no position on the veracity of any fact claimed by any party in this matter, we ask the Judicial Tenure Commission to amend its complaint to clarify that they are not seeking to discipline Judge Nettles-Nickerson for the act of filing her complaint with the Michigan Civil Rights Commission and Department.

We further call upon the Supreme Court and any appointed Special Master to clarify that, regardless of what decision they may ultimately reach in this matter, their ruling is in no way predicated upon the protected act of filing a complaint with the Michigan Department of Civil Rights.

###

ATTACHMENT 46

Ingham judge alleges racial discrimination by colleague

Chief judge says claims of bias are totally false

By CHRIS ANDREWS

Lansing State Journal

Ingham County Circuit Judge Beverley Nettles-Nickerson says Chief Circuit Judge William Collette is discriminating against her because she is black, a charge Collette says is outrageous.

Nettles-Nickerson contends Collette has meddled in her court operations by insisting that she break for an hour for lunch and by assigning her a court reporter who didn't apply for the job. And he has suggested she's not working enough.

In December, Nettles-Nickerson met with a representative in the Michigan Civil Rights Department, which is looking into her allegations. If a resolution can't be reached informally, she says she'll file a formal complaint, the next step in the process.

"As an African-American female and elected official, I want to be treated equally, the same as all of my colleagues," Nettles-Nickerson said.

"He's interfering with the way I've been elected to

At a glance

Judge claims race discrimination

- **At issue:** Two long-time mid-Michigan judges are locked in a battle over court reporters, schedules and other issues.

Parties

- **Judge William Collette** has been a judge since 1979, serving on the circuit bench since 1990.

- **Judge Beverley Nettles-Nickerson** has been a judge for 16 years, the past three as a circuit court judge. She is complaining that Collette is singling her out because she is black.

The process

- **The Civil Rights Department** will make an initial assessment to determine whether it has jurisdiction and whether the case seems to have merit. It will also seek an informal resolution.

What's next

- **The next step** would be a formal investigation, which could include interviewing witnesses, examining documents and site visits.
- **The case would then go to a Civil Service Commission** hearing referee, who would hold a hearing and present findings to the Civil Service Commission.
- **The eight-member Civil Service Commission** would hold a hearing and decide what action, if any, to take.



Collette



Nettles-Nickerson

run my courtroom."

An angry Collette on Friday categorically denied treating Nettles-Nickerson differently than anyone else. He acknowledged conflicts with her but said every action he took came after consulting with the State Court Administrator's Office.

Judges: Racial bias alleged

CONTINUED FROM 1A

"I have someone working there who is a difficult person to work with. The basic rules apply to her as they apply to anyone else," he said.

Department of Civil Rights spokesman Harold Core said the dispute is in the early resolution stage, where officials look into it and see whether there's a way to resolve it without a formal complaint.

Both Collette and Nettles-Nickerson were elected by voters. The chief judge is appointed by the Michigan Supreme Court to handle the administration of the courts.

The main dispute centers on Nettles-Nickerson's court reporter and the judge's court schedule.

After her court reporter complained of not getting the appropriate breaks and one-hour lunches prescribed by a union contract, Collette directed Nettles-Nickerson to provide them. The contract calls for a one-hour lunch between 11:30 a.m. and 1:30 p.m.

Nettles-Nickerson said judges historically have the right to set their schedules and she finds it efficient to work until early afternoon with 15-minute breaks but no lunch until the session has ended.

Former Chief Judge Peter Houk said he used to hold trials from 8:30 a.m. to 1:30 p.m. before break-

ing for lunch, as does Circuit Judge James Giddings.

"It was absolutely up to the judge," said Houk, who said it was an efficient way to manage his day.

But Collette said that if an employee complains, he is obligated to make sure the union contract is followed.

Court transfer

After Nettles-Nickerson suggested a transfer of court reporters would be helpful, Collette responded in a memo, "Frankly, I believe that there will be a difficult time finding anyone else on staff that will work in your courtroom."

As it turned out, a shared-time court reporter applied, and Nettles-Nickerson said she accepted her. Instead, Collette assigned another court reporter, who is the court's only black court reporter.

Collette said he wasn't prepared to transfer Nettles-Nickerson's full-time court reporter into a part-time position. He said the court reporter he assigned volunteered for the transfer and happened to be black.

Nettles-Nickerson and Collette have had other run-ins.

At one point, she said, Collette told her he often noticed her car wasn't in the parking lot and suggested she wasn't working enough.

Collette acknowledged that he had concerns that Nettles-Nickerson

wasn't at court enough and said he consulted with State Court Regional Administrator James Hughes before sending her a confidential memo expressing those concerns.

"It did not appear to me that she showed up for work," Collette said.

Nettles-Nickerson said she works hard and efficiently.

Surprise visit

Shortly before Thanksgiving, Hughes, the court administrator, visited Nettles-Nickerson's courtroom after Collette reported an anonymous tip from an elected official that she appeared high or intoxicated.

Nettles-Nickerson said she was working while sick and offered to provide her prescriptions that she was taking at the time.

Hughes said he found that she was conducting business appropriately.

Collette said he had no choice but to pass the report on to the State Court Administrator's Office.

In Nettles-Nickerson's view, the episodes represent a pattern in which Collette is treating her differently than other judges.

"I believe it's because I'm an African-American female judge," she said.

That's totally false, Collette says.

Collette, a judge since 1979, said he doesn't recall anyone ever before raising allegations that he was racially biased.

"I categorically and completely deny that Judge Nickerson or any other judge of the court has been treated differently because of their race, gender, sexual orientation or anything else," he said.

Hughes confirmed that Collette had consulted with him on all of the issues before taking action. He said Collette had acted appropriately.

The Civil Rights Department will take an initial look into the dispute and look into whether the department has jurisdiction, whether the complaint has merit and whether there is a way to resolve it short of a formal complaint and investigation.

If not, it has the authority to conduct an investigation and present findings to the Civil Rights Commission, which could order a remedy.

Nettles-Nickerson said she hopes for an informal settlement. She said she'd like to see the court reporter who applied to work for her get the job. And she said she'd like Collette to get some racial sensitivity training.

Collette questioned whether the Civil Rights Department has jurisdiction over the judicial branch. He said if Nettles-Nickerson has a complaint, she should take it to the State Court Administrator's Office or the Judicial Tenure Commission.

Contact Chris Andrews at 377-1054 or candrews@lsj.com.

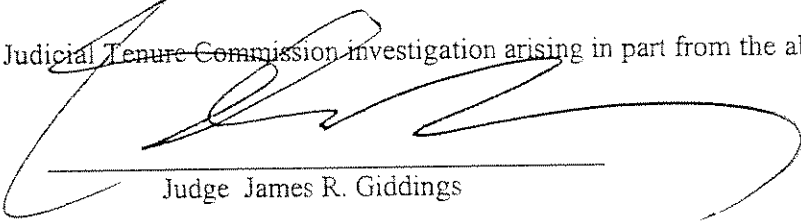
ATTACHMENT 47

AMENDED
AFFIDAVIT OF HONORABLE JAMES R. GIDDINGS

I swear the following to be true to the best of my knowledge and belief and I am able and willing to testify to the same if called to do so:

1. I am currently a judge in the 30th Circuit Judicial Court for the State of Michigan and have been a judge for over 30 years.
2. I am aware of a conflict in late 2005, between Chief Judge William E. Collette and Judge Beverley Nettles-Nickerson over the operation of her court.
3. That conflict is in part reflected in a memo from Judge Collette to Judge Nettles-Nickerson dated December 1, 2005.
4. Because I believed that the position being taken by Judge Collette might affect my courtroom operation, I sent a memo to Judge Collette on January 3, 2006, a copy of which is attached.
5. Also attached is Judge Collette's response of January 3, 2006. This was not included with the original affidavit because I assumed that the response was sent in confidence based his statement in the last paragraph.
6. I believed at the time that the conflict between Judge Collette and Judge Nettles-Nickerson could have been resolved at a meeting of our fellow judges.
7. To that end I requested Judge Collette to meet with Judge Nettles-Nickerson and our colleagues to resolve the issues.
8. Judge Collette made clear to me that he did not intend to discuss the matter with the other judges and would not place the matter on a judge's meeting agenda.
9. Although I did not and do not believe that Judge Collette's actions were motivated by racial animus, Judge Beverley Nettles-Nickerson expressed to me her belief that she was being treated differently than other judges by Judge Collette.
10. Judge Beverley Nettles-Nickerson thereafter filed a civil rights complaint.
11. When I became aware of the civil rights complaint, I told Judge Nettles-Nickerson that the filing of the civil rights complaint was counter productive and urged her to withdraw it.
12. Shortly thereafter, Judge Nettles-Nickerson withdrew her civil rights complaint.
13. I am aware that there is a Judicial Tenure Commission investigation arising in part from the above matters.

Date: May 10, 2007



Judge James R. Giddings

Judge James R. Giddings personally appeared before me and the foregoing instrument was acknowledged before me this 10th day of May, 2007.



Notary Public

 County, Michigan

My commission expires 11-22-2012

TINA M. DUDA
NOTARY PUBLIC, STATE OF MI
COUNTY OF CLINTON
COMMISSION EXPIRES Nov 22, 2012

ATTACHMENT 48

TRANSACTION REPORT

P.01/01

JAN/26/2006/THU 06:55 AM

FAX (TX)

#	DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
1	JAN/26	06:54AM	93721026--10	0:00:39	1	OK	SG3 0314

Hon. Beverley Nettles-Nickerson - WITHDRAWAL OF FORMAL COMPLAINT WITH MCRD

Page 1

From: Hon. Beverley Nettles-Nickerson
To: mnixon@lsj.com
Date: 1/25/2006 1:20:12 PM
Subject: WITHDRAWAL OF FORMAL COMPLAINT WITH MCRD

IMMEDIATE PRESS RELEASE:

AFTER REFLECTION WITH MY FELLOW COLLEAGUES AND FAMILY, I BELIEVE THE ISSUE I EXPRESSED WITH CHIEF JUDGE WILLIAM E. COLLETTE MAY BE RESOLVED INTERNALLY AND INFORMALLY WHICH HAS ALWAYS BEEN MY GOAL AND INTENT FOR THE INTEGRITY OF THE INGHAM COUNTY CIRCUIT COURT.

THEREFORE, I HAVE OFFICIALLY WITHDRAWN MY COMPLAINT AND REQUEST FOR MEDIATION WITH THE MICHIGAN CIVIL RIGHTS DEPARTMENT AND WILL CONTINUE TO MAKE EVERY EFFORT TO MUTUALLY AND COOPERATIVELY RESOLVE ALL ISSUES.

I AM HONORED TO SERVE ON THE BENCH FOR 16 YEARS AND APPRECIATE THE SUPPORT I HAVE RECEIVED.

THANK YOU

JUDGE BEVERLY NETTLES-NICKERSON
30th CIRCUIT COURT

CC: acunningham@wins.com; alendarezj@michigan.gov; Hughes, James; Judges

ATTACHMENT 49

From: "Hon. Beverley Nettles-Nickerson" <bnettlles-nickerson@ingham.org>
To: "David Easterday" <deasterday@ingham.org>, "Hon. George Economy" <geconomy@ingham.org>, "Hon. Joyce Draganchuk" <jdraganchuk@ingham.org>, "Hon. James Giddings" <JGIDDINGS@ingham.org>, "Hon. Janelle Lawless" <jlawless@ingham.org>, "Honorable Laura Baird" <LBAIRD@ingham.org>, "Hon. Paula J. M. Manderfield" <pmanderfield@ingham.org>, "Hon. Richard Garcia" <rgarcia@ingham.org>, "Hon. William Collette" <wcollette@ingham.org>
Date: 1/26/2006 11:20:19 AM
Subject: I respectfully request, again, that the issue regarding the directive by Chief Judge Collette, perta

I respectfully request, again, that the issue regarding the directive by Chief Judge Collette, pertaining to my Court Reporter's time in my courtroom, be placed on the upcoming February 16, 2006 general trial meeting for review and discussion.

My intent has always been to ensure that this issue remain internal for resolution and closure. Therefore, I propose, if acceptable to the Bench and Chief Judge Collette, that when the issue is discussed, staff may be excused; or, I agree to meet at any other time and place acceptable to the Bench and Chief Judge Collette; or in the alternative, I agree to a mediator that Chief Judge Collette may select to resolve the issue permanently.

CC: "James Hughes" <hughesj@courts.mi.gov>

ATTACHMENT 50



Michigan Supreme Court

State Court Administrative Office

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-0130

Carl L. Gromek, Chief of Staff
State Court Administrator

March 8, 2006

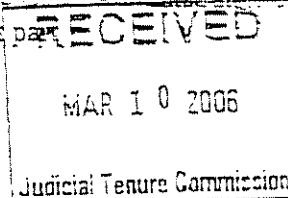
Mr. Paul J. Fischer
Executive Director and General Counsel
Judicial Tenure Commission
Cadillac Place
3654 W. Grand Blvd., Ste. 2-450
Detroit, MI 48202

Dear Mr. Fischer:

On January 18, 2006, Judge Beverly Nettles-Nickerson filed a complaint with the Michigan Department of Civil Rights. In it, Judge Nettles-Nickerson claimed that Chief Judge William E. Collette subjected her to "discriminatory interference" and "undue scrutiny and oversight" because of her race. A week later, she withdrew the complaint.

In her Civil Rights complaint and in related media coverage, Judge Nettles-Nickerson maintained that Chief Judge Collette's treatment of her was racially motivated. Chief Judge Collette maintained that his actions were not racially motivated and that he was responding to concerns about Judge Nettles-Nickerson's trial scheduling, work hours, and erratic behavior.

In a letter dated January 27, 2006, Chief Justice Clifford W. Taylor of the Michigan Supreme Court informed Chief Judge Collette and Judge Nettles-Nickerson that the Supreme Court had designated retired Judge Marvin Robertson to act as an informal fact finder. Over the weeks that followed, Judge Robertson interviewed both judges, as well as current members of the Ingham County bench. He interviewed numerous other witnesses, including retired judges and local attorneys. Because of witnesses' concerns about confidentiality, Judge Robertson reported only to the Justices of the Michigan Supreme Court and the State Court Administrator. Judge Robertson found no evidence of racism on Judge Collette's part.



Date March 3, 2006

Page 2

Although the allegation of racism has been disposed of, complaints exist about Judge Nettles-Nickerson's behavior and judgment. Pursuant to MCR 8.113(B)(4), I request that you investigate this matter. As Judge Nettles-Nickerson drew a great deal of public attention to the race issue, I ask that you expedite your investigation to the extent possible.

Sincerely,



Carl L. Gromeik

cc: Hon. Beverly Nettles-Nickerson